

Attorney Docket No.: 10123/03601 (03-225)

REMARKS

Claims 1 - 5, 7 - 19 and 21 - 24 are pending in the present application. No new matter has been added. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1 - 5, 7 - 8, 11 - 13, 18 - 19, 21 and 23 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,125,893 to Dryden. ("Dryden"). (See 3/21/08 Office Action, pp. 2 - 5).

Claim 1 recites a connector for injecting fluid to a catheter, comprising "an attachment portion adapted to fluidly couple to a source of pressurized fluid" and "a bypass element fluidly connected to the attachment portion, the bypass element being adapted to open a valve of the catheter to permit fluid to flow into the catheter without impinging on the valve" in combination with "an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level."

It is submitted that Dryden does not teach or suggest a connector for injecting fluid to a catheter including "an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level," as recited in claim 1. Specifically, the valve 35 which the Examiner has analogized to the overpressure control element is described only as controlling an amount of irrigation fluid supplied to the catheter 28. Dryden makes absolutely no mention of any control of the pressure in the catheter 28 much less by a valve such as the valve 35 which is described only as having a simple on/off functionality. (See Dryden, col. 2, ll. 55 - 56). Furthermore, Dryden neither shows nor suggests any valve maintaining a pressure within a connector below a threshold level as recited in claim 1. Nor would such a function be of any use in regard to the small amounts of irrigation fluids supplied by the Dryden device. It is respectfully submitted that the Examiner's statements regarding this functionality of the valve 35 are purely speculative and in no way supported by the disclosure of Dryden.

The Examiner has further relied on a 35 U.S.C. § 103(a) rejection to overcome this deficiency in the Dryden device, asserting that it would have been obvious to have constructed the valve 35 as a pressure control element. (See 3/21/08 Office Action, p. 4). However, it is

Attorney Docket No.: 10123/03601 (03-225)

respectfully submitted that, as described above, Dryden provides no motivation to modify its device to include "an overpressure control element," as recited in claim 1. Specifically, as the relevant portions of the Dryden device (i.e., the irrigation fluid supply apparatus including the source 12, the valve 35 and the lumen 29) is directed solely to a low pressure application, it is submitted that those skilled in the art would not have found any motivation for the modification of the on/off valve 35 to enable it to perform such an overpressure control function. Thus, it is respectfully submitted that obviousness can not be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is no teaching, suggestion, or motivation to do so and that this represents an impermissible hindsight reconstruction of the invention. (*See In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006)).

It is therefore respectfully submitted that Dryden fails to show or suggest a connector for injecting fluid to a catheter comprising "*an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level*," as recited in claim 1 and that claim 1 is allowable over Dryden. Because claims 2 - 5, 7 - 8 and 11 - 13 depend from and, therefore, include the limitations of claim 1, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Independent claim 18 includes limitations substantially similar to those of claim 1 discussed above. Specifically, claim 18 recites "*an elongated tube extending between a first end adapted for fluid connection to a power injector and a second end adapted for fluid connection to a catheter including a valve in a proximal part thereof, the second end being insertable into the catheter beyond the valve thereof so that fluid passes through the fluid coupler into the catheter to a distal end thereof without passing through the valve and a pressure control element adapted to limit a fluid pressure within the coupler to a predetermined threshold level*." Applicants respectfully submit that claim 18 is allowable over Dryden for the same reasons noted above in regard to claim 1. Because claims 19, 21 and 23 depend from and, therefore, include the limitations of claim 18, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Claims 9 - 10, 22 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dryden in view of U.S. Patent No. 6,375,637 to Campbell et al. ("Campbell"). In support of the

Attorney Docket No.: 10123/03601 (03-225)

rejection, the Examiner has stated that Dryden, teaches the device as claimed except for the overpressure control element being an extension tube and having an external collection jacket disposed therearound. The Examiner references the Campbell device to overcome this deficiency. (See 3/21/08 Office Action, p. 6).

As stated above in regard to claim 1 from which these claims depend, Dryden fails to teach or suggest the limitations of claim 1. The Campbell device is directed to a catheter balloon having a controlled failure mechanism therein. (See Campbell, col. 4, ll. 55 - 58). The Campbell device fails to overcome the deficiencies of the Dryden device, particularly "an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level," as recited in claim 1. It is therefore submitted that Dryden and Campbell, either alone or in combination, fail to teach or suggest the limitations of claim 1. Because claims 9 and 10 depend from and therefore include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 18 recites limitations substantially similar to claim 1, including "an elongated tube extending between a first end adapted for fluid connection to a power injector and a second end adapted for fluid connection to a catheter including a valve in a proximal part thereof, the second end being insertable into the catheter beyond the valve thereof so that fluid passes through the fluid coupler into the catheter to a distal end thereof without passing through the valve and a *pressure control element adapted to limit a fluid pressure within the coupler to a predetermined threshold level.*" It is respectfully submitted that Dryden and Campbell, either alone or in combination, fail to teach or suggest the limitations of claim 18. Because claims 22 and 24 depend from and therefore include all of the limitations of claim 18, it is respectfully submitted that these claims are also allowable.

Claims 14 - 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dryden. In support of the rejection, the Examiner states that Dryden teaches the device as claimed except for the threshold level of approximately 300, 100, 80 or 40 psi. The Examiner has stated that this modification would have been obvious to one skilled in the art. (See 3/21/08 Office Action, p. 6).

Claims 14 - 17 depend from, and therefore include all of the limitations of claim 1. As noted above, Dryden fails to teach or suggest the limitations of claim 1. Thus, it is respectfully

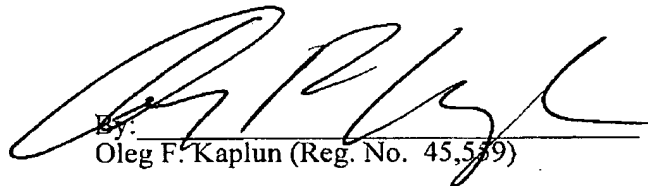
Attorney Docket No.: 10123/03601 (03-225)

submitted that claims 14 - 17 are allowable for at least the same reasons stated above in regard to claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 14 - 17.

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: May 21, 2008


By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276